

cc: HG

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ORIGINAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JAN 15 2008  
at 1 o'clock and 25 min. 1 M.  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

RAYMOND WARE,	)	CIVIL NO. 04-00671 HG/LEK
	)	
Plaintiff,	)	MOTION IN LIMINE TO
	)	DISQUALIFY KENNETH
vs.	)	KAMAHELE FROM AGENCY
	)	REPRESENTATIVE AT TRIAL;
MICHAEL CHERTOFF, Secretary,	)	EXHIBIT 1; CERTIFICATE OF
Department of Homeland Security;	)	SERVICE
JOHN DOES 2-5,	)	
	)	TRIAL DATE: February 5, 2008
Defendants.	)	TIME: 9:00 a.m.
	)	JUDGE: Hon. Helen Gillmor

**MOTION IN LIMINE TO DISQUALIFY KENNETH  
KAMAHELE FROM AGENCY REPRESENTATIVE AT TRIAL**

COMES NOW, Plaintiff RAYMOND WARE, by and through his attorney,  
Daphne E. Barbee, and files this Motion in Limine to Disqualify Kenneth Kamahele  
from being the agency representative at trial in this matter.

Plaintiff was recently informed by AUSA Tom Helper that he intended to  
have Ken Kamahele serve as the agency representative for TSA Department of

Homeland Security during the trial in the above-entitled matter. Mr. Ken Kamahele has filed complaints of discrimination with the EEOC and MSPB against TSA Department of Homeland Security after he was removed as the Assistant Federal Security Director due to numerous complaints including retaliation and unprofessional behavior. These complaints are documented in a management inquiry report. This places the Department of Homeland Security in a conflict of interest situation with Mr. Kamahele.

Mr. Kamahele is one of the decision makers who refused to promote Mr. Ware. The matter with the MSPB and EEOC with regards to Mr. Kamahele's complaint is still pending. As Mr. Kamahele has named TSA Honolulu as defendants in both of these complaints, he should not be able to be the agency representative at trial and thus have added benefit of listening to all of the witnesses, especially due to the seriousness of the complaints against Mr. Kamahele from witnesses about retaliation.

Attached is Exhibit 1, a portion of the management letter to Mr. Kamahele, terminating him for not being credible, and for threatening retaliatory acts towards other employees. Plaintiff requests that Defendant Department of Homeland Security reveal to Plaintiff whether there are any "deals" made with Mr. Kamahele which may explain why they want him to be their agency representative. As there is

a conflict between Mr. Kamahele and Defendant TSA, this conflict should exclude Mr. Kamahele as the agency representative at trial in this matter.

Furthermore, since Mr. Kamahele no longer works for TSA Honolulu, he should not be permitted to be the "agency representative".

DATED: Honolulu, Hawaii, 1-15-08.

  
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DAPHNE E. BARBEE  
Attorney for Plaintiff RAYMOND WARE